

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA; FORT WORTH
CHAMBER OF COMMERCE;
LONGVIEW CHAMBER OF
COMMERCE; AMERICAN
BANKERS ASSOCIATION;
CONSUMER BANKERS
ASSOCIATION; and TEXAS
ASSOCIATION OF BUSINESS,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION
BUREAU; and ROHIT CHOPRA, in his
official capacity as Director of the Consumer
Financial Protection Bureau,

Defendants.

Case No.: 4:24-cv-213-P

DEFENDANTS' UNOPPOSED MOTION TO EXCUSE THE ANSWER REQUIREMENT

Defendants the Consumer Financial Protection Bureau and Rohit Chopra (collectively, the Bureau) respectfully move the Court to excuse them from the obligation under Federal Rule of Civil Procedure 12(a) to file an answer to Plaintiffs' complaint. Plaintiffs do not oppose the requested relief. In support of this request, the Bureau states as follows:

1. On March 7, 2024, Plaintiffs filed a complaint challenging a recently published Bureau rule, the Credit Card Penalty Fees Final Rule. *See* Compl., ECF No. 1.

2. After initial motions practice on Plaintiffs' request for a preliminary injunction and venue, the Bureau moved to dismiss Plaintiff the Fort Worth Chamber of Commerce for lack of associational

standing and to transfer the case under 28 U.S.C. § 1406. *See* Mot. to Dismiss and Transfer, ECF No. 109.

3. On December 6, 2024, the Court denied the Bureau's motion to dismiss the Fort Worth Chamber and transfer the case. *See* Op. & Order, ECF No. 28. Accordingly, under Federal Rule of Civil Procedure 12(a)(4)(A), the Bureau's answer to Plaintiffs' complaint is due on December 20, 2024.

4. On December 10, 2024, the Court ordered the parties to file, by December 23, a joint statement detailing the remaining legal issues and a summary judgment briefing schedule for those issues. *See* Order, ECF No. 129. The parties are currently conferring on those issues and working to prepare the requested joint statement.

5. Given the upcoming answer deadline, and to provide clarity for the parties' ongoing scheduling discussions, the Bureau now respectfully requests that the Court excuse it from its obligation under Rule 12 to answer the Plaintiffs' complaint. Because the complaint raises only Administrative Procedure Act claims, any remaining issues in this litigation can be decided on cross-motions for summary judgment based on the administrative record. *See, e.g., Amin v. Mayorkas*, 24 F.4th 383, 391 (5th Cir. 2022); *Yogi Metals Grp. Inc. v. Garland*, 567 F. Supp. 3d 793, 798 (S.D. Tex. 2021), *aff'd*, 38 F.4th 455 (5th Cir. 2022). Accordingly, preparing an answer would not meaningfully advance this litigation and would not serve the interests of judicial or party economy. *Cf. HS Res., Inc. v. Wingate*, 327 F.3d 432, 440 (5th Cir. 2003) ("[A]n answer is not a prerequisite to the consideration of a motion for summary judgment."); *see also* Order, *Am. Hospital Ass'n v. Becerra*, No. 4:23-cv-1110-P (N.D. Tex. Dec. 11, 2023), ECF No. 22 (granting parties' request to dispense with filing of responsive pleading and setting schedule for summary judgment in Administrative Procedure Act case).

6. In the alternative, the Bureau requests that the Court extend its deadline to answer the complaint until 30 days after the Court issues any decision at summary judgment, should the Court's ruling not fully resolve this case.

7. Counsel for the Bureau have conferred with counsel for Plaintiffs, who have indicated that Plaintiffs do not oppose the requested relief.

DATED: December 13, 2024

Respectfully Submitted,

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General Counsel

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Deputy General Counsel

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Assistant General Counsel

s/ Stephanie B. Garlock
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**admitted pro hac vice*

CERTIFICATE OF CONFERENCE

I certify that I conferred with counsel for Plaintiffs regarding this motion to excuse Defendants from their obligation to answer, and he advised that Plaintiffs do not oppose the relief requested.

/s/ Stephanie B. Garlock
Stephanie B. Garlock

CERTIFICATE OF SERVICE

I hereby certify on December 13, 2024, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Stephanie B. Garlock
Stephanie B. Garlock